

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA

Plaintiff,

v.

HENRY ROSENAU

Defendant.

NO. CR06-157 MJP

[PROPOSED]

ORDER TO CONTINUE
TRIAL DATE AND
PRETRIAL MOTIONS DATE

This matter comes before the Court on the parties' Joint Motion to Continue Trial Date and Pretrial Motions Date. Having considered the parties' motion and all the files and record herein, the Court finds as follows:

1. Discovery is substantial in this case. The Government has provided discovery on an ongoing basis, and to date, has produced approximately 1,000 pages of discovery, plus many hours of video recordings. The parties anticipate additional discovery will follow. Additionally, the investigation of this and a number of related cases has been active and ongoing for

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PLATT & BUESCHER
Attorneys at Law
180 NW Coveland
P.O. Box 727
Coupeville, WA 98239-0727
(360) 678-6777
Fax (360) 678-0323

1 approximately six years, with witnesses and defendants in related cases currently located over a
2 large geographic area, including several currently residing in Canada. Defense counsel would
3 benefit from additional time to review discovery materials to advise the Defendant regarding the
4 case and to conduct additional investigation.
5

6 2. A failure to grant the continuance would deny counsel the reasonable time necessary
7 for effective preparation, taking into account the exercise of due diligence, within the meaning of
8 18 U.S.C. Sec. 3161(h)(7)(B)(iv) and considering the need to obtain foreign evidence, as
9 addressed in 18 U.S.C. § 3161(h)(9).
10

11 3. The ends of justice will be served by ordering a continuance in this case. A
12 continuance is necessary to ensure effective trial preparation and an opportunity for the
13 Defendant to benefit from this effort, and these factors outweigh the best interest of the public in
14 a more speedy trial, within the meaning of 18 U.S.C. Sec. 3161(h)(7)(A).
15

16 4. The Defendant has signed a waiver indicating that he has been advised of his
17 individual right to a speedy trial and that, after consulting with counsel, has knowingly and
18 voluntarily waived that right in order to permit the trial to start on November 7, 2011.

19 5. The period of time from the current trial date of June 27, 2011, up to and including the
20 new trial date of November _____, 2011, shall be excludable time pursuant to the Speedy
21 Trial Act, 18 U.S.C. Sec. 3161 et seq.
22

23 For the foregoing reasons and those apparent from the record, the Joint Motion to
24 Continue Trial Date and Pre Trial Motions is GRANTED.
25
26
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1 IT IS HEREBY ORDERED that the trial date is continued from June 27, 2011, to
2 _____, 2011.

3 IT IS FURTHER ORDERED that the new motions deadline shall be September 12, 2011,
4 to _____, 2011.
5

6 DATED this ____ day of May, 2011
7

8
9 _____
10 MARSHA J. PECHMAN
11 United States District Judge
12

13 Presented by: s/ Craig Platt (by e-mail authroization)
14 CRAIG PLATT
15 Attorney for Henry Rosenau

16 And by: s/Susan Roe
17 SUSAN M. ROE
18 Assistant United States Attorney
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